

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Waiver of Design Standard #06001

PROPOSAL: Waive street paving, sidewalks, street lights, street trees, and dedication of additional right-of-way.

LOCATION: South 70th Street and Shamrock Road.

CONCLUSION: This waiver request does not conform to the Comprehensive Plan or Subdivision Regulations.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The north 3/8 of Lot 7, Potter's Subdivision, located in the SE 1/4 of Section 33, T10N, R7E, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Undeveloped R-1 Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-1 Residential
South:	Residential	R-1 Residential
East:	Residential	R-1 Residential
West:	Holmes Lake Park	P Public

HISTORY:

July 14, 2005 - Final Plat #05073 was submitted. The director's letter was sent August 12, 2005.

April 23, 1985 - Subdivision Permit #2405 was approved allowing the north 3/8 of Lot 7, Potter's Subdivision to be subdivided into four lots subject to the conditions of Resolution #A-70031.

April 22, 1985 - Resolution #A-70031 was approved subject to three conditions, one of which rendered it null and void if the subject property was not final platted by April 22, 1986.

ANALYSIS:

1. This is a request to waive all improvements required by Title 26 (Land Subdivision Ordinance) associated with the final plat of Shamrock Addition. The improvements are street paving, sidewalks, street lights, and street trees. Improvements required by Chapter 26.27 must be installed at the time of final plat. The request also seeks to not dedicate any additional right-of-way required for a turn-around.
2. The land involved in the Shamrock Addition Final Plat #05075 is approximately 3.8 acres in area, and is a subdivision of the remaining portion of Lot 7, Potter's Subdivision. This is the same land covered by the now null and void Administrative Subdivision Permit #2405 approved in 1985. An associated request to waive paving and sidewalks was also approved in 1985, subject to the following three conditions:
 - A. Submit all required drawings, documents, information, and fees to accomplish the platting of the subject property in accordance with the platting requirements of the City of Lincoln, including the dedication of a street from Shamrock Road to the south limits of the proposed subdivision in the vicinity of proposed parcel #4.
 - B. That proposed parcels # 2 and #4 shall be nonbuildable until the final plat of the subject property is approved and accepted by the City of Lincoln.
 - C. That failure to accomplish the platting of the subject property within one year from the date administrative subdivision approval is granted shall render the administrative subdivision null and void.
3. The subject property was not final platted within one year, however proposed Lots 2, 3 and 4 were conveyed and a home was constructed on Lot 3.
4. The final plat of Shamrock Addition was submitted in response to a comment by the title company involved in the recent sale of proposed Lots 2-4. The title company noted that the remaining portion of Lot 7, Potter's Subdivision had not been subdivided in accordance with the requirements of Lincoln Municipal Code (LMC).
5. The director's letter summarizing the staff review of the final plat of Shamrock Addition dated 8/12/05 noted the items required to have the plat approved, including those improvements that must be installed in accordance with LMC Title 26. The required improvements include street paving, sidewalks, street lights, street trees, and also noted that additional right-of-way needed to be dedicated to accommodate a turn-around per Design Standards.

6. The director's letter also noted the options available to the applicant to proceed with platting the property. The first option noted is to petition the City Council to waive the required improvements. The second is for all the owners of land along Shamrock Road to jointly apply for a Community Unit Plan (CUP) and vacation of Shamrock Road. The letter noted that staff supported the option creating a CUP and street vacation.
7. With the CUP, Shamrock Road would become a private roadway. Waivers to required improvements could be granted as part of the CUP. The private roadway would become the maintenance responsibility of the homeowners' association and could be allowed to remain in its current condition.
8. Public Works notes that "Shamrock Road is an existing aggregate surface street that does not meet State Board of Classification minimum standards for a street. Trees are too close to the edge of the substandard roadway which now functions as a one lane road due to its narrow width. The City has liability for the substandard street which increases by adding additional lots and traffic potential. Engineering Services recommends that the street be paved per subdivision ordinance and design standard requirements."
9. If the waivers are approved, the City retains maintenance responsibility for Shamrock Road, a substandard street, along with any potential liability caused by the substandard design of the street. If the public right-of-way is vacated and a private roadway is created as part of a CUP, the homeowners assume the responsibility for the street. Under that scenario, staff supports the waivers to allow the development to remain in its existing condition, a preference voiced by several of the adjacent property owners.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
January 31, 2006

APPLICANT/

CONTACT: Mark Hunzeker
PO Box 95109
Lincoln, NE 68509
402.476.7621

OWNERS: Jonathan Waterbury
6633 Shamrock Road
Lincoln, NE 68506

Howard Richoux
735 P Street
Port Townsend, WA 98638



Waiver #06001

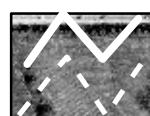
2005 aerial

S 70th St & Shamrock Rd

Zoning:

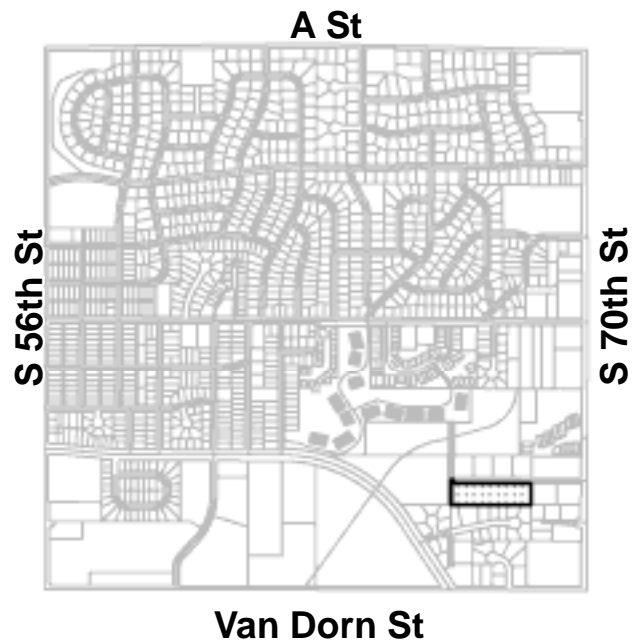
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 33 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



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Pierson|Fitchett
LAW FIRM

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William G. Blake
Peter W. Katt
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David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

Gary L. Aksamit
of Counsel

January 19, 2006

Marvin S. Krout
Director of Planning
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

Re: Shamrock Addition Final Plat No. 05073
Generally located at Shamrock Road & South 70th

Dear Mr. Krout:

On behalf of the owner, we hereby request waiver of the following requirements of the subdivision ordinance:

1. Dedication of additional right-of-way abutting proposed Lot 1 to extend Shamrock Road to the west boundary of Lot 1, and dedication of additional right-of-way to accommodate a cul-de-sac turnaround on Lot 1.
2. Paving of Shamrock Road abutting the subdivision.
3. Sidewalks along the south side of Shamrock Road.
4. Street lights along the south side of Shamrock Road.
5. Street trees along the south side of Shamrock Road.
6. Any other public or private improvement or facility required by Chapter 26.23 of the land subdivision ordinance which are not currently in place.

We have considered the possibility suggested by the staff of a joint application for a community unit plan consisting of all property owners whose land abuts Shamrock Road, together with a petition to vacate Shamrock Road to create a private roadway. Unfortunately, not all the property owners are able to agree, and we must proceed to clear the title to this property.

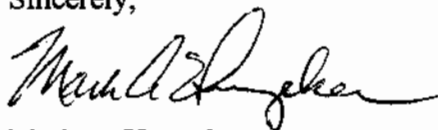
As you know, the original condition requiring a final plat to be filed on this property was for the purpose of platting a north-south street connecting Shamrock Road to Park Crest Drive. Inasmuch as that option no longer exists, we think that waiver of these requirements is consistent

Pierson, Fitchett, Hunzeker, Blake & Katt

Marvin S. Krout
January 19, 2006
Page 2

with the previously approved subdivision. Please have this matter scheduled on the Planning Commission agenda as soon as possible. We hope you will recommend approval of these waivers. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Hunzeker', written in a cursive style.

Mark A. Hunzeker
For the Firm

cc: Howard Richoux
Bill Austin

MAH:la

Memorandum

To: Brian Will, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Shamrock Addition Final Plat Waivers
Date: January 31, 2006
cc: Randy Hoskins
Roger Figard

Engineering Services has reviewed the requested waivers to the subdivision ordinance for Shamrock Addition located on the south side of Shamrock Road west of South 70th and has the following comments:

1. Shamrock Road is a dead-end public street extending to U.S. government property as part of Holmes Lake construction. In my judgement, Shamrock will never be extended and will remain a dead-end roadway. Since it is approximately 1/4 mile from 70th to the west end of the dead-end, a right-of-way for a permanent cul-de-sac bulb should be required and not waived.
2. Shamrock Road is an existing aggregate surface street that does not meet State Board of Classification minimum standards for a street. Trees are too close to the edge of the substandard roadway which now functions as a one lane road due to its narrow width. The City has liability for the substandard street which increases by adding additional lots and traffic potential. Engineering Services recommends that the street be paved per subdivision ordinance and design standard requirements.
3. Engineering Services recommends that ornamental lighting, street trees, and sidewalks be required per City Ordinance requirements.



MAYOR COLEEN J. SENG

lincoln.ne.gov

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

Mary E. Bills-Strand, Chair
City-County Planning Commission

555 South 10th Street
Suite 213
Lincoln, Nebraska 68508
402-441-7491
fax: 402-441-6377

August 12, 2005

Joe Kerr
540 West Industrial Lake Drive
Lincoln, NE 68528

RE: Shamrock Addition - Final Plat #05073
Generally located at Shamrock Road and South 70th Street

Dear Joe:

The following review of the above noted plat lists the steps necessary for the plat to be approved. It states that any improvements that are not constructed at the time of final platting must be guaranteed by sureties to ensure their installation. However, staff understands that the owners do not want to make the improvements, but instead continue to maintain the area as it exists.

For the final plat to be approved, the improvements either must be installed or guaranteed, or the requirement to install them must be waived by the City. There are two ways to have the requirements waived. The first is to petition the City Council to waive the improvements in conjunction with this final plat. Staff does not support this alternative because the City remains responsible for maintenance of Shamrock Road which is now a public street.

Staff recommends a second alternative which includes all the property owners adjacent to Shamrock Road to join together and apply for a community unit plan (CUP), accompanied by a petition to vacate Shamrock Road. The CUP could propose a lot layout that reflects existing development, and would simultaneously dedicate Shamrock Road as a private roadway. Maintenance of all the improvements and common areas, including the private roadway, become the responsibility of the homeowners and not the City.

The review of the above final plat submitted on July 14, 2005 found the following deficiencies that must be addressed so we can continue the review:

1. Submit a statement from the County Treasurer's office that there are no delinquent taxes against the land within the proposed subdivision and there are no liens for taxes which have been levied but which are not yet delinquent, and a statement that all special assessment installment payments are current as applied to said proposed subdivision.

2. Provide a street tree plan for the review of the Parks and Recreation Department. The landscape plan shall have a note stating a certified landscape contractor as approved by the Parks and Recreation Department shall be used to install street trees.
3. The legal description must also include the vacated portion of South 66th Street that is included in the plat.
4. The dashed line and reference to vacated South 66th Street must be deleted from Lot 1.
5. Additional right-of-way must be dedicated to extend Shamrock Road to the west boundary of Lot 1. The area to be dedicated must be shaded and identified as additional right-of-way to be dedicated. Additional right-of-way must also be dedicated to accommodate a cul-de-sac turn around on Lot 1.
6. The 14th line of the surveyor's certificate must be revised to read "...as shown on this final plat in....."
7. Correct the spelling from cord to chord in the 15th line of the surveyor's certificate.
8. Revise the dedication to include the statement "THE STREETS SHOWN THEREON ARE HEREBY DEDICATED TO THE PUBLIC."
9. Submit the fee to record the plat and subdivision agreement in the Lancaster County Register of Deeds. The fee is \$.50 per existing lot and per new lot plus \$20.00 per plat sheet. The fee for the Subdivision agreement is \$.50 per new lot plus \$5.00 per page. Other documents will add to the fee. If you have questions about the fees please contact the Register of Deeds. The check should be payable to the Lancaster County Register of Deeds.

The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.
10. All affidavits, certificates, acknowledgments, dedication, notary seals, and lien holder consent and subordination shown on the plat shall be signed with **opaque black ink**.
11. Submit the completed Final Plat and 3 prints to the Planning Staff and the Plat is found acceptable.

All information required to be submitted with a final plat is described in Chapter 26.19 of the Land Subdivision Ordinance.

Before this final plat may be approved, the Owner(s) must:

1. Complete the public street paving including a cul-de-sac turn-around or an executive order must be approved guaranteeing the completion of the paving. The paving shall be completed within two (2) years following the approval of this final plat.
2. Complete the sidewalks along the south side of Shamrock Road as shown on the final plat or post a surety in the amount of \$12,500 to guarantee the completion of the sidewalks. The sidewalks shall be completed within four (4) years following the approval of this final plat.
3. Complete the public street lights along the south side of Shamrock Road or an executive order must be approved guaranteeing the completion of the street lights. The street lights shall be completed within two (2) years following the approval of this final plat.
4. Plant the street trees along the south side of Shamrock Road or post a surety in an amount to be determined by the Parks and Recreation Department to guarantee the planting of the trees. The trees shall be planted within four (4) years following the approval of this final plat.
5. Complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which have not been waived but which inadvertently may have been omitted from the above list of required improvements or post surety in an amount sufficient to guarantee completion of said improvement. The improvement shall be completed within the time limits provided in Section 26.11.040.

The City Attorney will prepare and submit to you the Subdivision Agreement after you have submitted an ownership certificate and copies of a correct final plat to the Planning Department. The owners must sign the Agreements in the presence of a notary and then return the signed agreements to the City Attorney.

The Subdivision Agreement will require the owner(s) at owners own cost and expense:

to complete the street paving of public streets shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along the south side of Shamrock Road as shown on the final plat within four (4) years following the approval of this final plat.

to complete the installation of public street lights along the south side of Shamrock Road within two (2) years following the approval of this final plat.

to complete the planting of the street trees along the south side of Shamrock Road within four (4) years following the approval of this final plat.

to timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which have not been waived but which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to submit to the lot buyers and builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

Before you begin to grade or disturb any land one acre or greater in area:

The Lower Platte South NRD must approve a drainage and grading plan including stormwater management, erosion, and sediment control. Contact J. B. Dixon at 476-2729 or jbdixon@lpsnrd.org for questions regarding the plans.

Before you begin to install the improvements:

A licensed surveyor or engineer must certify that the grading and sediment and erosion control measures have been completed in conformance with the approved preliminary plat, drainage study, NPDES permit, grading, and final street grades. Address questions to Gary Lacy at 441-4957 or glacy@lincoln.ne.gov.

and

An executive order (E.O.) approved by the Mayor is required before public streets and public ornamental street lighting can be installed or constructed. Contact Charles Baker at 441-7838 or cbaker@lincoln.ne.gov in the Public Works & Utilities Department regarding the E.O. process. A bond, escrow, or other security approved by the City Law Department must be posted to guarantee the completion of the improvements prior to the Mayor approving the E.O. If the other required improvements not requiring an E.O. have not been completed then a bond, escrow, or other security approved by the City Law Department must be posted to guarantee completion of the improvements. The form can be accessed on the Internet at lincoln.ne.gov keyword = *planningform*. Select the link titled "Agreement for Escrow of Security Fund under the section heading "Other".

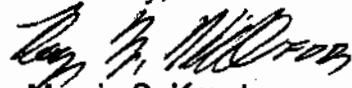
The final plat can be approved as soon as all required information is submitted, instructions completed, and sureties have been approved by the Law Department. There is a 14 day appeal period. Unless the approval is appealed the final plat and the signed subdivision agreement will be recorded in the Register of Deeds following the appeal period provided all other requirements including the proper recording fee have been submitted. Please find attached reports from other departments who reviewed your plans.

We are committed to working with you as we proceed through your development review. Before installing or constructing the improvements or should you have questions on:

public streets and utilities contact Charles Baker at 441-7838 or cbaker@lincoln.ne.gov ,
street lights contact Larry Kathol, L.E.S. at 467-7642 or lkathol@les.com,
sidewalks contact Harry Kroos at 441-8405 or hkroos@lincoln.ne.gov,
street trees contact Steve Nosal or Steve Schwab at 441-7035 or forestry@lincoln.ne.gov ,

If you any questions please do not hesitate to contact Brian Will at 441-6362, or at bwill@lincoln.ne.gov.

Sincerely,


Marvin S. Krout
Director of Planning

Attachments

xc: Howard Richoux, 6701 Shamrock Road, Lincoln, NE 68506
Jon Waterbury, 6633 Shamrock Road, Lincoln, NE 68506
Dennis Bartels, Public Works
Steve Nosal, Parks and Recreation
file

Fee \$..50.00..

NO. 2405

SE 1/4, SEC. 33 T. 10 N., R. 7

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY Part of the North 3/8 of Lot 7, Potter's Subdivision of Irregular Tracts 2 and 51, in the SW1/4 of Section 33, T10N, R7E of the 6th P.M., Lincoln, Nebraska, more particularly described on attached Exhibit "A" in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

PARCEL 1 through 4: See attached Exhibit "B"

PARCEL 2

PARCEL 3

PARCEL 4

- NOTE:** (1) This subdivision permit is issued in accordance with Resolution No. 70031 adopted by City Council on April 15, 1985, attached to and made a part of this subdivision approval as Exhibit "D".
- (2) The approval of this subdivision permit is granted with the conditions of approval as specified in Agreement attached to and made a part of this subdivision approval as Exhibit "E".
- (3) FAILURE TO ACCOMPLISH THE PLATTING OF PROPERTY WITHIN ONE YEAR FROM THE DATE ADMINISTRATIVE APPROVAL IS GRANTED SHALL RENDER THIS SUBDIVISION PERMIT NULL AND VOID. PARCEL NOS. 2 AND 4 ARE NON-BUILDABLE UNTIL PLATTED.

APPROVED THIS 23RD DAY OF April 1986

1. CITY OF LINCOLN, AND ITS CITY COUNCIL

PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

SKETCH OF SUBDIVISION:

See attached Survey Record as Exhibit "C"

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE CORRECT

Jonathan L. Waterbury

OWNER J. Dana Waterbury

ITEM 3

SURVEY RECORD

Attachment to application for administrative subdivision.
 Survey of: all part of Lot 2, to Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 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2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219,

RESOLUTION NO. A- 70031

01 WHEREAS, an application for an administrative subdivision of real
02 property described as:

03 Part of the North three-eighths of Lot 7, Potter's Subdivi-
04 sion of Irregular Tracts 2 and 51, in the Southeast Quarter
05 of Section 33, Township 10 North, Range 7 East of the Sixth
06 Principal Meridian, Lincoln, Lancaster County, Nebraska; de-
07 scribed as follows:

08 Beginning at the point of intersection of the centerline of
09 vacated 66th Street and the south right-of-way line of Sham-
10 rock Road; thence along the said centerline on an assumed
11 bearing of south 0 degrees 01 minute 40 seconds east, 212.00
12 feet; thence south 90 degrees 00 minutes east, 780.00 feet;
13 thence north 0 degree 01 minute 40 seconds west, 212.00
14 feet to a point on the south right-of-way line of Shamrock
15 Road; thence along the said right-of-way line north 90 degrees
16 00 minutes 00 seconds west, 780.00 feet to the point of
17 beginning,

18 has been made by Jonathan L. and Joann Waterbury; and

19 WHEREAS, the application for administrative subdivision approval was
20 not approved for nonconformance with the requirement that the subdivision be
21 accomplished by the platting procedures when a street is needed within the area
22 of the proposed lots and the requirement that sidewalks be constructed along the
23 south side of Shamrock Road abutting the proposed subdivision; and

24 WHEREAS, applicants have requested a modification to waive said
25 requirements pursuant to Section 26.31.010 of the Lincoln Municipal Code; and

26 WHEREAS, the City Council finds that the strict application of all
27 subdivision requirements would result in actual difficulties or substantial
28 hardship or injustice to the applicants.

29 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
30 Lincoln, Nebraska:

31 That, in accordance with the recommendations of the Planning Commission:

32 a. The requirement that the subdivision be accomplished by the
33 platting procedures when a street is needed within the area of the proposed lots
34 is hereby waived under the following conditions:

35 The subdividers, their successors and assigns agree:

36 1. To submit all required drawings, documents, information, and
37 fees to accomplish the platting of the subject property in
38 accordance with the platting requirements of the City of
39 Lincoln, including the dedication of a street from Shamrock
40 Road to the south limits of the proposed subdivision in the
41 vicinity of proposed Parcel No. 4.

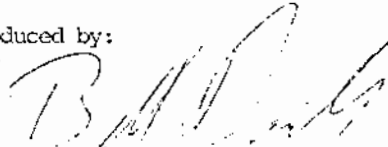
CITY OF LINCOLN
RECEIVED

- 01 2. That proposed Parcel Nos. 2 and 4 shall be nonbuildable until
02 the final plat of the subject property is approved and
03 accepted by the City of Lincoln.
- 04 3. That failure to accomplish the platting of the subject property
05 within one year from the date administrative subdivision
06 approval is granted shall render the administrative subdivision
07 permit null and void.

08 b. The requirement that sidewalks be constructed along the south side of
09 Shanrock Road abutting the proposed subdivision is hereby waived; provided,
10 however, that the applicants understand and agree that this waiver shall in no
11 way be construed to relieve the applicants or any future owners of any future
12 obligation to construct sidewalks upon proper order of the City.

13 All other conditions for approval of this administrative subdivision
14 approval shall be complied with by the applicants.

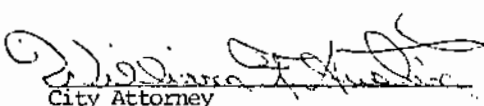
15 Introduced by:



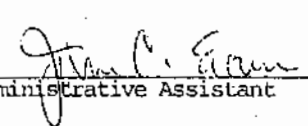
Approved as to Form:

AYES: Ahlschwede, Danley, Gayley,
Hampton, Hoffman, Johnson,
Shackelford;

NAYS: None.


City Attorney

Staff Review Completed:


Administrative Assistant

ADOPTED

APR 15 1985

By City Council

EXHIBIT 7

AGREEMENT

IN CONSIDERATION of the City of Lincoln, Nebraska, a municipal corporation, granting administrative subdivision approval as specified on the attached subdivision permit, it is agreed by and between the subdivider and the City as follows:

1. The subdivider will submit all required drawings, documents, information, and fees to accomplish the platting of the subject property in accordance with the platting requirements of the City of Lincoln, including the dedication of a street from Shamrock Road to the south limits of the proposed subdivision in the vicinity of Parcel No. 4 as described on attached Exhibit 'B'.
2. That proposed Parcel Nos. 2 and 4, as described on attached Exhibit 'B', shall be nonbuildable until the final plat of the subject property is approved and accepted by the City of Lincoln.
3. That failure to accomplish the platting of the subject property within one year from the date administrative subdivision approval is granted shall render the administrative subdivision permit null and void.

The agreements contained herein shall run with the land described above and shall be binding and obligatory upon the heirs, successors and assigns of the subdivider to all or any part of the real estate as described above.

DATED this 23rd day of April, 1955.

Jonathan L. Waterbury
Jonathan L. Waterbury

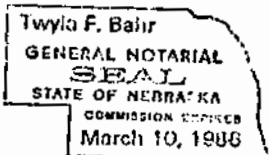
Joann Waterbury
Joann Waterbury

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

Before me, a Notary Public qualified for said county, personally came Jonathan L. Waterbury and Joann Waterbury, husband and wife, to me known to be the identical person or persons who signed the foregoing instruments, and acknowledged the execution thereof to be thier voluntary act and deed.

WITNESS my hand and notarial seal on

this 23rd day of April, 19 85.



Notary Public

My commission expires: March 10, 1956

UTILITY EASEMENT

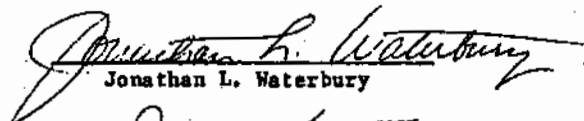
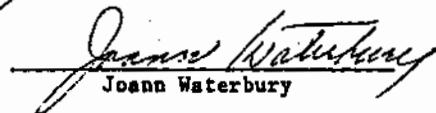
KNOW ALL MEN BY THESE PRESENTS:

For and in consideration of the mutual benefits and to be driven by the parties hereto from the facilities proposed hereinafter, the undersigned, does hereby grant, in perpetuity to the CITY OF LINCOLN, NEBRASKA; the LINCOLN TELEPHONE AND TELEGRAPH COMPANY; TV TRANSMISSION, INC.; and MINNEGASCO; thier successors and assigns, herein called the grantee, an easement to allow entry for the purpose of construction, reconstruction, replacement, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes and equipment for the distribution and supply of electricity, gas, telephone service and all appurtenance thereto, over, under, and above the following described real property in Lancaster County, Nebraska:

The south 5 feet of Parcels 1, 2, 3, & 4, the west 5 feet of Parcels 1 and 3 and the east 5 feet of Parcels 2 and 4. See attached Exhibit "A" for descriptions of Parcels 1, 2, 3 and 4.

To have and to hold the easement and rights herein granted unto the grantee and to the grantee's successors and assigns forever.

Dated this 23rd day of April, 1985.


Jonathan L. Waterbury

Joann Waterbury

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

Before me, a Notary Public qualified for said county, personally came Jonathan L. Waterbury and Joann Waterbury, husband and wife to me known to be the identical person or persons who signed the foregoing instruments, and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and notarial seal on this 23rd day of April, 1985.

Twyla F. Bahr
GENERAL NOTARIAL
SEAL
STATE OF NEBRASKA
COMMISSION EXPIRES
March 10, 1988


Twyla F. Bahr
Notary Public

My commission expires: March 10, 1986